IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CRMPM No.410 of 2007

Decided on: June 22, 2007

Naveen Dutta **.....Applicant.**

VERSUS

State of H.P. **.....Respondent.**

Coram

The Hon'ble Mr. Justice Surjit Singh, Judge.

Whether approved for reporting?

For the Applicant : **Mr. R.S. Gautam, Advocate.**

For the Respondent : **Mr. Ashok Chaudhary, Additional Advocate General.**

Surjit Singh, Judge (Oral)

Heard and gone through the record.

2. Applicant is sought to be arrested and interrogated by the Police in a case under Sections 302 and 302 IPC. As per police record, Anil Kumar injured, on whose life attempt was made, had been living with the present applicant and rendering services to him for the last 18 years. His wife had also been working as domestic help with the applicant. A few days prior to the occurrence the applicant allegedly gave a sum of Rs.10,000/- to injured Anil Kumar for being deposited in his account in a bank. Anil Kumar allegedly did not deposit the money and pretended that the money had been lost. Applicant suspected that the money had been misappropriated by Anil Kumar. Applicant then asked Anil Kumar to leave his house. Anil Kumar started dilly-dallying. Applicant is alleged to have then administered a threat of dire consequences to Anil Kumar in case he did not vacate the house.

3. On the fateful day when Anil Kumar and Kashmir Singh were standing beside a car of Raghunath Sharma, who was at that time in

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Whether the reporters of the local papers may be allowed to see the judgment?

driver's seat, a car came there at a very fast speed and hit Kashmir Singh and Anil Kumar. Anil Kumar and Kashmir Singh sustained multiple injuries. Kashmir Singh succumbed to the injuries at the hospital. Two boys, named Monu and Narinder Kaundal, went to the house of the applicant, which is at a distance of about 150 mtrs., to inform him about the accident. Applicant was not there. He arrived within a couple of minutes. When informed that Anil Kumar (his god-brother) had met with an accident, the applicant reacted by saying that let him die. The two boys went back and informed the Pradhan of the Gram Panchayat about the reaction of the applicant. Said Pradhan then went to the house of the applicant and told him that Anil's condition was critical and he was to be shifted to a hospital at Chandigarh and he should accompany him. The applicant told him that he was ready to take him to Chandigarh. The applicant then went to his room, picked up a hand bag and the ignition key of the car, occupied the driver's seat and started the car and drove away towards Jassur instead of going to the hospital at Nurpur where Anil was admitted at that time. He then hid his car at the house of one Ramesh Pathania his friend and went to Pathankot by engaging a taxi. Since then, i.e., 11.5.2007, the Police has been looking for him but he has gone underground.

4. The facts, as narrated above, particularly the conduct of the applicant, are suggestive of the involvement of the applicant. Therefore, his custodial interrogation is required. Consequently, the application is dismissed.

June 22, 2007(sd) **(Surjit Singh), J.**